

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STEPHEN BURNETT,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-17-385-M
)	
MARY FALLIN, et al.,)	
)	
Defendants.)	

ORDER


Before the Court is plaintiff's Motion to Consolidate, filed March 27, 2018. Plaintiff moves this Court to consolidate the instant action with two other pending cases in this Court: *Greer v. Fallin, et al.*, Case No. CIV-14-1066-M¹ and *Savage v. Fallin, et al.*, Case No. CIV-15-1194-HE.

Federal Rule of Civil Procedure 42 provides, in pertinent part: "If actions before the court involve a common question of law or fact, the court may: . . . (2) consolidate the action;" Fed. R. Civ. P. 42(a). Consolidation is permitted as a matter of convenience and economy when claims made in separate actions arise out of the same transaction and involve common issues of law and facts and where consolidation accomplishes considerations of judicial economy and fairness. *See Harris v. Illinois-California Express, Inc.*, 687 F.2d 1361, 1368 (10th Cir. 1982). The determination whether to consolidate rests within the sound discretion of the trial court. *See Shump v. Balka*, 574 F.2d 1341, 1344 (10th Cir. 1978). Having carefully reviewed plaintiff's motion and the court files, the Court finds that consolidation is not appropriate in this case.

¹ Judgment was entered in this case on March 15, 2018, and, therefore, it is no longer a pending case.

Accordingly, the Court DENIES plaintiff's Motion to Consolidate [docket no. 93].

IT IS SO ORDERED this 23rd day of April, 2018.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE